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State Representative • 3rd Assembly District

Assembly Bill 449
Increased Penalties for Repeat Domestic Abuse Offenders
Assembly Committee on Criminal Justice & Corrections
January 25, 2012

Thank you for the opportunity to testify on behalf of Assembly Bill 449 (AB 449), relating to increased penalties for repeat domestic abuse offenders.

On December 3, 2009, Tyrone Adair brutally murdered two women and two children before taking his own life. The victims of this horrific crime were Tracy Judd, Tracy's 23-month old daughter, Deja, Amber Weigel, and Amber's two-year old daughter, Neveah. Court records paint a disturbing picture of Adair's propensity to violence toward women.

Joining me today is Heather Severson and Lisa Judd Blanchard. Heather is Tracy Judd's best friend. Lisa is Tracy's sister and Deja's aunt. AB 449 is before you as a result of the tireless efforts of these two women to finally put some teeth into Wisconsin's domestic violence laws. This bill has been dubbed "The Traja Act" in memory of Tracy and Deja.

Under current law, domestic abuse perpetrators most often face simple criminal *misdemeanor* charges such as battery, disorderly conduct or criminal property damage. Unless these perpetrators are arrested for a second domestic abuse incident within 72 hours of a prior domestic abuse arrest, *repeat offenders are unlikely to face increased penalties*, including felony charges, for such crimes.

Also under current law, courts are generally required to impose a domestic abuse surcharge on a person who commits a domestic abuse crime against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has created a child.

Under the provisions of AB 449, a "domestic abuse repeater" is defined as either of the following:

- 1) A person who commits a domestic abuse crime within the 72 hours immediately following arrest for a domestic abuse incident. (*Current law*)
- 2) A person who was previously convicted on two occasions of a domestic abuse crime – for which a court imposed a domestic abuse surcharge – in the 10 years prior to committing a third offense.

In either of the previously defined instances of repeat domestic abuse, the bill allows for an increased imprisonment penalty of up to two additional years. Further, if the penalty is increased, the status of the crime automatically becomes a felony.

According to the Wisconsin Coalition Against Domestic Violence, domestic abuse incidents resulted in the death of 67 Wisconsin residents in 2009 alone. In comparison, Minnesota, which allows for a felony charge for third convictions of domestic abuse crimes, reported 25 domestic violence related homicides in 2009.

AB 449 is an important, common-sense step forward in the fight against domestic violence in Wisconsin. I certainly do not claim that this bill is the “silver bullet” in bringing a halt to these crimes, however, it should serve as a message to those who would dare repeatedly resort to violence against family members or loved ones that there will be real and serious consequences for their actions. Faced with the potential for more stringent penalties, it is my sincere hope that these individuals will think twice before acting out in violence.

Finally, you will note from the list of co-sponsors, AB 449 bi-partisan support in both the Assembly and the Senate.

Thank you for your time and for your consideration of this measure.

Good Morning and thank you for your time.

1 in 6 women will be sexually assaulted in their lifetime..... that's a felony! 1 in 4 women will be victims of domestic violence in their lifetime.

Every 2 minutes someone in the US is sexually assaulted..... Every 12 seconds a women is abused in the US

More than 3 woman and 1 man will die today by the hands of their significant other / domestic violence..... I wish I would have known this statistic prior to December 3, 2009.....

As Rep. Ott stated I lost my childhood friend of 27 years- Tracy Judd and her beautiful daughter Deja Renee. These are not just names or faces of domestic violence this is someone who I laughed with, played with as a child, shared our dreams together, became mothers together, and now I am left with photos of our memories, and horrific memories of that day December 3, 2009. Imagine that to be your daughter, sister, mother, or someone dear to your heart! I sit here today with Tracy's sister/Deja's Aunt Lisa by my side and fighting for something we NEVER thought would affect anyone we loved or cared about.

Tyrone Adair murdered them in Tracy's Middleton home, Tyrone had a violent history of Domestic Abuse, and a very long history of threats to kill someday..... For Tyrone it was not a matter of IF, it was a matter of WHEN. He told several of his victims " I could just kill you right now, cause I don't even care anymore!" Threats of killing is what so many abusers use to intimidate their victims, we have to take these violent actions serious!

After December 3, 2009 Lisa along with myself took a long hard look into Tryone Adair's past, what we were about to find was a very shocking discovery. His criminal history began in 1995 with his first count of battery. From 1995-2006 Tyrone had 2 counts of battery, 2 counts of bail jumping, 1 disorderly conduct and 4 domestic abuse restraining orders filed against him, with only 1 being able to be served and enforced. All of these charges are domestic related.

This discovery of my child hood friend and her daughters murderer is one of many examples of how criminal/violent history turns into murder in these cases.

Steven Weber of Dane County was out on bail from 2 counts of strangulation, child abuse, disorderly conduct, resisting arrest, and disarming a police officer, and a no contact order was in place on the day he committed murder. He's had numerous domestic related charges prior to this all with the same victim yet he was never charged with a felony until Jan 09 for escaping prison. How violent must one get before we charge them as such?

In 2009 Domestic Violence in our state took the lives of 67 loved ones. In 2009, in Milwaukee alone there were 8 domestic violence homicides and 3 gang related homicides, yet Wisconsin takes a very active role in conviction of gang related crimes.

The TraJa Act is one step forward in the fight on Domestic Violence. In Wisconsin, we have not taken Domestic Violence crimes as serious as we should.

I am fully aware of the cost increase that may possibly be put on the state. Wisconsin statute 949 compensates families of loved ones lost in violent crimes in our state. Wisconsin is willing to pay families for their lost loved ones but are not willing to pay to incarcerate someone for repeated domestic crimes preventing them from committing more horrific crimes. We wait until they commit horrifying crimes where someone's life has been lost and then we pay to incarcerate them for life and also pay compensation to the victim's family. Lisa Judd Blanchard, her family, and myself would rather have Tracy and Deja alive and here with us today. How do you put a cost on a life, when some of these homicides are very preventable if only we took a very active stand to preventing serious domestic violence offenders from re-offending.

There has been talk about some concerns with victims coming forward if The TraJa Act were to become law. We did a survey of victims staying at two Wisconsin shelters and that was not the result that we found. Almost all that were surveyed said that this is exactly what they would need to come forward or to get out of their dangerous situations. Victims tend to NOT come forward because for so long we have sent the message to be silent! Victims who do come forward, who do cooperate with Police, District Attorney's, and our criminal justice system soon find out that there is little to nothing that is really done. Misdemeanor charges do not PROTECT them from further incidents.

As Rep. Ott stated this is not a Silver Spoon to fix all to this deadly crime. This is the first step in the right direction for Wisconsin, our victims, and our children. This WILL send a strong message to abusers that they WILL pay consequences for their actions and we will not continue to let 10, 15, 20 domestic violence charges go by before we step in and treat them like the criminals they are.

I will never be able to bring Tracy or Deja back but I can and will do everything I can to prevent the next Tracy or Deja from occurring!

Thank you for your time today...

Sincerely,

Heather Severson and Lisa Judd
Blanchard

www.traja.org

